

John Wiley & Sons, Inc. v. DRK Photo

Case No. 1:11-cv-05454 (GBD)

Declaration of Robert Penchina

In Support of Motion for Summary Judgment

Exhibit 1

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Male Satin Bowerbird (Ptilonorhynchus violaceus) (F07-109935)



F07-109935 - (c) - John Cancalosi

Caption: Male Satin Bowerbird (Ptilonorhynchus violaceus). Image Code: F07-109935. Photographer: John Cancalosi. Collection: age fotostock. Rights Managed

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John Cancalosi

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JCS02812

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Image code: JCS02812
Caption: Fossil dragonfly (early Cretaceous), Santana formation, Brazil
Photographer: John Cancalosi
Keywords: geology geological paleontology palaeontology fossils fossilised insects fossilized insects fossil dragonflies
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Fossil dragonfly, early Cretaceous. Brazil

Photo by John Cancalosi / AGE fotostock (click to view more images of this artist)

RM Image no. F07-219079

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19		John Cancellosi <i>Fossil Dragonfly, early cretaceous period</i>	1s228171
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Description:	Female Sumatran Orang utan with playful baby (Pongo pygmaeus abelii) Gunung Leuser National Park, Sumatra, Indonesia

200



Anup and Manoj Shah

Orangutan (Pongo pygmaeus). mother and baby. Gunung Leuser National Park Indonesia.

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Kraggman

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KEYWORDS:

Nurse log, evergreen forest, forest floor, Douglas fir trees, Douglas fir seedlings, growth, grow, growing, green.

<div data-bbox="329 852 354 905">2</div> <div data-bbox="444 852 734 1056"></div>	<div data-bbox="771 829 1068 869">Tom & Pat Leeson</div> <div data-bbox="771 884 1120 955"><i>Nurse log in Old Growth Douglas Fir Forest</i></div>	<div data-bbox="1227 877 1398 917">1s184015</div>
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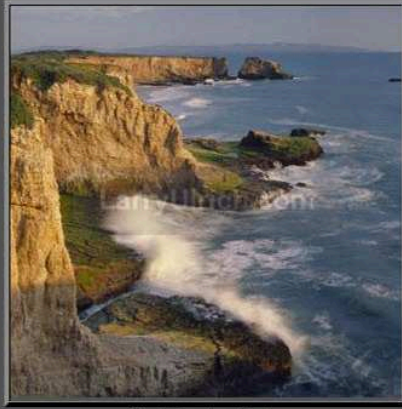
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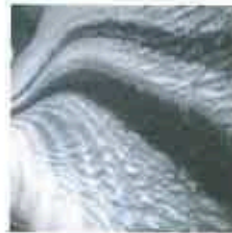
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San Andreas Fault, California



Looking Down, Costa Rica

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Collier
3-13-13
Vicki L. Champion, R

All photographs © Michael Collier

109		<p>Michael Collier</p> <p><i>Offset streams across the San Andres Fault on the Carrizo Plain. West of Taft California</i></p>	1s254983
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Caption	Low lying cloud over Penas Blancas Valley, Monteverde Cloud Forest Reserve, Costa Rica.
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*Cathedral Termite
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Caption:	Aerial view of Bora Bora French Polynesia, Sth Pacific Ocean
Photographer:	Tom Till
Keywords:	Pacific islands tropical icon iconic island paradise ocean sea holiday destination clean volcanic islands atoll brilliant blue sea water white sand beaches from the air lagoon 165725
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101		<p>Tom Till</p> <p><i>Aerial view of Bora Bora Society Islands. South Pacific Ocean. Pacific Atoll waters. Bora Bora. French Polynesia</i></p>	1s265759
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15		Larry Ulrich <i>Petrified wood, Jasper Forest</i>	1d018501
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John Wiley & Sons, Inc. v. DRK Photo

Case No. 1:11-cv-05454 (GBD)

Declaration of Robert Penchina

In Support of Motion for Summary Judgment

Exhibit 2

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

TED WOOD,
Plaintiff,

vs.

HOUGHTON MIFFLIN HARCOURT
PUBLISHING COMPANY, and R.R.
DONNELLEY & SONS COMPANY,
Defendants.

Civil Action No.
07-CV-01516-DME-BNB

~~~~~

DEPOSITION OF  
DAN KRASEMAN

December 10, 2008  
1:00 p.m.

6000 East Camelback Road  
Scottsdale, Arizona

9           A     My brother was a professional photographer at  
10     that point, prior to '81, so I was aware of his doing  
11     business with various publishers.

12           Q     What's your brother's name?

13           A     Stephen J. Kraseman.

14           Q     Besides discussions with your brother, did you  
15     have any other connection to the industry?

16           A     Not really, no.

17           Q     Prior to founding DRK, had you ever worked in  
18     publishing?

19           A     No.

20           Q     Had you ever worked in any industry where you  
21     dealt with any sort of licensing?

22           A     No.

23           Q     So how did you come about -- how did you decide  
24     to found DRK Photo?

25           A     I was laid off from a job. My brother, Stephen,

8

1     was becoming very busy with assignments for various  
2     publishers and could not handle the stock photo requests.

3 So all of his previous work was not going anywhere because  
4 when publishers needed images of, say, a moose, they  
5 couldn't reach him because he was off in the Arctic for  
6 assignment for someone else. So he wanted someone that  
7 could field those phone calls, get the pictures out, the  
8 stock pictures he had collected from previous assignments  
9 out to publishers, and deal with granting licenses and  
10 invoicing and things he couldn't do because he was on the  
11 road.

12 Q When you founded DRK Photo, did you form it as a  
13 certain type of business entity?

14 A No. It's a sole proprietorship.

15 Q Okay. And it's still a sole proprietorship  
16 today?

17 A Yes.

18 Q Okay. I think you started on this a little bit,  
19 but could you give me just a brief synopsis of what the  
20 business of DRK Photo is?

21 A We market other photographers's images to  
22 publishers in need of images.

23 Q Okay. And these other photographers, who are  
24 they?

25 A We have -- well, we have a hundred. I can't

1 recall all their names.

2 Q How does a photographer come to be associated  
3 with you?

4 A They approach us -- typically, they approached us  
5 to ask if we would -- you know, they approach us, asking  
6 if we're interested in marketing their work, representing  
7 their work.

8 Q Do you have a certain specialty? And when I say  
9 "you," I'm referring to DRK Photo.

10 A If I had to say we had a specialty, it began, our  
11 forte, was wildlife and natural history. It's broadened  
12 considerably from the early days.

13 Q When you say that the photographers approach you,  
14 do you make any effort to solicit photographers?

15 A In the beginning, we did notice particularly  
16 talented work in magazines and try to track down those  
17 photographers and ask them if they had interest in  
18 additional representation, or, "Do you have  
19 representation? Would you be interested in DRK Photo



20 representing your work?"

21 Other photographers saw us through photo  
22 credits, which are typically in magazines and books, and  
23 contacted us. We didn't know who they were. They came  
24 out of the blue to us. And we would consider their work.  
25 And if it meshed well with our collection and was good

10

1 enough quality, we would accept their work.

2 Q I think I understand. So you're saying that if  
3 someone was reading a magazine that they liked and they  
4 saw a photo that they liked and they saw, "Gee, DRK Photo  
5 got this photographer's work in here. Maybe I want to  
6 work with DRK Photo." Is that sort of what you're --

7 A And you'll hear the comment -- they'll be looking  
8 through a magazine and see a picture of a beautiful  
9 waterfall, and they'll say, "Gee, I've got just as good of  
10 pictures. So maybe I could make some money with mine.  
11 See if they're interested in adding mine to their  
12 collection."

13 Q Okay. What do you call that -- just so I'm

14 getting the terminology right in these questions, what do  
15 you call DRK's collection of photographs?

16 A A collection.

17 Q You call it a collection?

18 A Sure.

19 Q The photographs that are in DRK's photo  
20 collection, do you hold copyrights on any of those works?

21 A Do we hold copyrights on any of them?

22 Q Right.

23 A Does that mean, have we registered any of them?

24 Q No. I mean, who owns the copyrights to the  
25 photos in your collection?

11

1 A Typically, the photographers retains the  
2 copyright. We're marketing his copyrighted work for him  
3 or her.

4 Q As his agent?

5 A Yes, as a stock photo agent representative.

6 Q So DRK Photo doesn't hold any copyrights; is that  
7 right?

8           A     We do.

9           Q     What copyrights do you hold?

10          A     We have, in the past, photographers -- there's  
11 photographers, one who has sold us interest in her  
12 images -- her images, which has been registered. I guess  
13 that might be it.

14          Q     Okay.

15               MR. SIEDMAN: Are you including assignments?

16               MR. BRASWELL: I'm referring to just ownership of  
17 copyrights right now.

18               MR. SIEDMAN: Ownership by assignment? I just  
19 want to make sure he gives you an accurate, comprehensive  
20 answer.

21   BY MR. BRASWELL:

22          Q     Sure. Let me ask that question next. Let me  
23 follow up.

24                       Whose image was that that you said that  
25 you --

12

1           A     Her name is Belinda Wright.

2 of things would be printed.

3                   Okay. I believe it struck me as a  
4 relatively low number, considering they were publishing  
5 both English and Spanish language copies. It included  
6 both the pupil edition and the teacher edition, and minor  
7 revisions defined as 10 percent or less change of content  
8 for five years into the future. It seemed like an  
9 abnormal low number when I was thinking about all those  
10 different variations and revised editions included. If  
11 it's going to California, then it would only be 250.

12       Q     How many students do you think there are in  
13 California?

14       A     I have no idea. I just know it's a very large  
15 state. I don't research student populations in different  
16 states.

17       Q     What qualifies as an awful lot?

18       A     Well, there's millions of people in California.

19       Q     I'm just curious as to the basis on which the  
20 237,500 copies peaked your interest.

21       A     I think it was because it was California.  
22 California and Florida, as I understand, are very large  
23 markets for textbooks. And California is large, and this  
24 is an aggregate number of copies. So this includes all



25 English language copies printed, all Spanish language

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1 copies printed of the grade one in 2007, plus edition 2 in  
2 whatever year, plus edition 3, because I'm throwing in  
3 minor revisions for five years. There would be at least  
4 one minor revision for a five-year period. So cut that  
5 figure in half then, figuring one twenty-five for edition  
6 1 and 125,000 for edition 2. 125,000 copies just seems  
7 very low considering they're printing both English  
8 language copies to satisfy California.

9 Q Okay. All right. We're done with that document.

10 What did you do to prepare for this  
11 deposition?

12 A I quickly reviewed the documents that you -- all  
13 50-plus that you had sent to counsel.

14 Q Did you look at any other documents to prepare  
15 for the deposition?

16 A No. I had trouble looking at -- the time  
17 constraints -- looking at these.

18 Q Did you do anything else to prepare for your

19 deposition?

20 A Such as?

21 MR. SEIDMAN: You're not allowed to ask  
22 questions. So I object to my client asking questions.

23 THE WITNESS: No. No.

24 BY MR. BRASWELL:

25 Q I'm not under oath. I can't tell you anything.

106

1 A No, there was nothing else. I don't have extra  
2 time to do things, so I just looked at what you sent.

3 Q Do you know Ted Wood?

4 A No, I don't.

5 Q Do you know anyone also who has claims pending  
6 against Houghton Mifflin?

7 A I believe one of our photographers may, Tom  
8 Beene. I know he's got something going with a publisher.  
9 I don't know who it is.

10 Q How do you know Tom Beene?

11 A He's been with us for many, many years. We  
12 represent a portion of his collection.

13 Q Is he a personal friend of yours?

14 A I consider him a friend. I haven't -- I haven't  
15 seen him in five years. I consider all our photographers  
16 friends.

17 Q Have you contemplated claims against Houghton?

18 A I've simply wanted to get some print run figures  
19 from Houghton.

20 Q Have you contemplated claims?

21 A I've contemplated claims, should I not be  
22 provided with information I'm asking for, if that's what  
23 it requires to obtain that information.

24 Q Have you retained counsel?

25 A I have counsel.

107

1 Q Okay.

2 A Yes.

3 Q How did you come to be a witness in Mr. Wood's  
4 case?

5 A I believe counsel mentioned the case and asked if  
6 I would input my knowledge of the licensing industry.

7 MR. SEIDMAN: I'm going to object to any further  
8 inquiries beyond the answer that's just been given as  
9 privileged.

10 MR. BRASWELL: Let me ask the question. I think  
11 I can ask a nonprivileged question here.

12 The inquiry that you just described about  
13 whether you would be a witness, was that prior to you  
14 having to retain counsel?

15 THE WITNESS: Was it prior to my retaining of  
16 counsel?

17 BY MR. BRASWELL:

18 Q Correct.

19 A The conversation regarding Ted Wood was --

20 Q Correct.

21 A -- long after. I recall it being long after I  
22 retained counsel.

23 Q Okay. Do you have a general understanding of the  
24 claims that are at issue in Mr. Wood's case?

25 A I have a general understanding. I thought I did,



1 that there was some overrun going on and Mr. Wood objects  
2 to it.

3 Q Do you have an understanding of how the facts  
4 underlying Mr. Wood's claims might compare to facts in  
5 your own licensing practices?

6 A I know next to nothing of Mr. Wood's case.

7 Q Have you seen the licenses that Mr. Wood issued?

8 A No.

9 Q Do you have any understanding of what the terms  
10 of those licenses are?

11 A No, not his.

12 Q Do you think that things that happened in  
13 Mr. Wood's case might affect potential claims you have  
14 against Houghton?

15 A I suspect they might. I don't know. I'm not a  
16 legal person. I would think Mr. Wood's claims are  
17 uniquely -- mine are unique to me, unique to both.

18 MR. BRASWELL: All right. That's all I have.

19 MR. SEIDMAN: I have a couple questions.

20

21 EXAMINATION

22 BY MR. SEIDMAN:

23 Q If we could, look at Exhibit 6. Mr. Kraseman, if

***John Wiley & Sons, Inc. v. DRK Photo***

Case No. 1:11-cv-05454 (GBD)

**Declaration of Robert Penchina**

In Support of Motion for Summary Judgment

**Exhibit 3**

**This exhibit contains confidential material as identified under protective order issued by Judge Daniels on January 14, 2013. This confidential material has been provided to the Court and to the parties, and an application to file this material under seal is being made, concurrent with this filing.**

***John Wiley & Sons, Inc. v. DRK Photo***  
Case No. 1:11-cv-05454 (GBD)

**Declaration of Robert Penchina**  
In Support of Motion for Summary Judgment

**Exhibit 4**

Julie

**From:** DRK PHOTO - Dan Krasemann [info@drkphoto.com]  
**Sent:** Friday, June 27, 2008 3:20 PM  
**To:** 'Annie Griffiths Belt'  
**Subject:** Copyright Assignment Form  
**Importance:** High  
**Contacts:** Annie Griffiths Belt  
**Attachments:** Copyright Assignment FINAL 06-21-2008.doc

Dear Annie,

Attached you will find a MS Word.doc titled **Copyright Assignment, Registration, and Accrued Causes of Action Agreement** which we are asking you to sign and return to DRK PHOTO as soon as possible. This Agreement is necessary as DRK PHOTO is initiating a copyright registration program with the United States Copyright Office to officially register many of the images in its collection.

With the digitization of imagery, the added exposure of the internet, and the relative ease of obtaining (and distributing) digital copies of images, most importantly those images appearing on the DRK PHOTO website, we feel that addressing possible copyright infringement is of the utmost importance. With a Certificate of Registration in hand (prior to a copyright infringement) we will be in a much stronger position with much more leverage for settling copyright infringement claims.

Please note that this Agreement is not a permanent assignment; per the Agreement "DRK agrees to reassign all copyrights and complete legal title back to the undersigned immediately upon completion of the registration of the Images, as evidenced by DRK's receipt of a Certificate of Registration from the United States Copyright Office for such Images, and resolution of infringement claims brought by DRK relating to the Images." The Agreement further explains that "Any proceeds obtained by settlement or judgment for said claims shall, after deducting all costs, expenses, and attorney's fees, be divided and paid 50% for the undersigned and 50% for DRK.

We see this as a win / win situation with no cost to you, the photographer. You receive the piece of mind of knowing that many of your images will be registered with the United States Copyright Office, and with this Agreement we receive the authorization necessary to initiate and settle copyright infringement claims brought against would be infringers of DRK PHOTO Images.

**Please complete the Agreement and return via mail to DRK PHOTO, 100 Starlight Way, Sedona, AZ, 86351;** thank you. If you have any questions please feel free to contact me.

**Further,** we would like to hear from you if you have registered (in the past) images with the U.S. Copyright Office; that is, any images now in the DRK PHOTO collection.

We look forward to receiving your signed Agreement, and to hearing from you if you have registered images (now in our collection) in the past.

Sincerely,  
 Dan Krasemann  
 DRK PHOTO  
 100 Starlight Way  
 Sedona, AZ 86351 USA  
[info@drkphoto.com](mailto:info@drkphoto.com)  
 928-284-9808

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DRK v. Wiley AAA 01108

5/25/2012

Julie

**From:** DRK PHOTO - Dan Krasemann [info@drkphoto.com]  
**Sent:** Friday, June 27, 2008 4:14 PM  
**To:** 'John Cancalosi'  
**Subject:** Copyright Assignment Form  
**Importance:** High  
**Contacts:** John Cancalosi  
**Attachments:** Copyright Assignment FINAL 06-21-2008.doc

Dear John,

Attached you will find a MS Word.doc titled **Copyright Assignment, Registration, and Accrued Causes of Action Agreement** which we are asking you to sign and return to DRK PHOTO as soon as possible. This Agreement is necessary as DRK PHOTO is initiating a copyright registration program with the United States Copyright Office to officially register many of the images in its collection.

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**Further,** we would like to hear from you if you have registered (in the past) images with the U.S. Copyright Office; that is, any images now in the DRK PHOTO collection.

We look forward to receiving your signed Agreement, and to hearing from you if you have registered images (now in our collection) in the past.

Sincerely,  
 Dan Krasemann  
 DRK PHOTO  
 100 Starlight Way  
 Sedona, AZ 86351 USA  
[info@drkphoto.com](mailto:info@drkphoto.com)  
 928-284-9808

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DRK v. Wiley AAA 01109

5/25/2012

Julie

**From:** DRK PHOTO - Dan Krasemann [info@drkphoto.com]  
**Sent:** Friday, June 27, 2008 4:15 PM  
**To:** 'John Eastcott & Yva Momatiuk'  
**Subject:** Copyright Assignment Form  
**Importance:** High  
**Contacts:** John Eastcott & Yva Momatiuk  
**Attachments:** Copyright Assignment FINAL 06-21-2008.doc

Dear John & Yva,

Attached you will find a MS Word.doc titled **Copyright Assignment, Registration, and Accrued Causes of Action Agreement** which we are asking you to sign and return to DRK PHOTO as soon as possible. This Agreement is necessary as DRK PHOTO is initiating a copyright registration program with the United States Copyright Office to officially register many of the images in its collection.

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We look forward to receiving your signed Agreement, and to hearing from you if you have registered images (now in our collection) in the past.

Sincerely,  
 Dan Krasemann  
 DRK PHOTO  
 100 Starlight Way  
 Sedona, AZ 86351 USA  
[info@drkphoto.com](mailto:info@drkphoto.com)  
 928-284-9808

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DRK v. Wiley AAA 01113

5/25/2012



Julie

**From:** DRK PHOTO - Dan Krasemann [info@drkphoto.com]  
**Sent:** Friday, June 27, 2008 4:18 PM  
**To:** 'Johnny Johnson'  
**Subject:** Copyright Assignment Form  
**Importance:** High  
**Contacts:** Johnny Johnson  
**Attachments:** Copyright Assignment FINAL 06-21-2008.doc

Dear Johnny,

Attached you will find a MS Word.doc titled **Copyright Assignment, Registration, and Accrued Causes of Action Agreement** which we are asking you to sign and return to DRK PHOTO as soon as possible. This Agreement is necessary as DRK PHOTO is initiating a copyright registration program with the United States Copyright Office to officially register many of the images in its collection.

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Sincerely,  
Dan Krasemann  
DRK PHOTO  
100 Starlight Way  
Sedona, AZ 86351 USA  
[info@drkphoto.com](mailto:info@drkphoto.com)  
928-284-9808

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DRK v. Wiley AAA 01115

5/25/2012

Julie

**From:** DRK PHOTO - Dan Krasemann [info@drkphoto.com]  
**Sent:** Friday, June 27, 2008 4:20 PM  
**To:** 'Kim Heacox'  
**Subject:** Copyright Assignment Form  
**Importance:** High  
**Contacts:** Kim Heacox  
**Attachments:** Copyright Assignment FINAL 06-21-2008.doc

Dear Kim,

Attached you will find a MS Word.doc titled **Copyright Assignment, Registration, and Accrued Causes of Action Agreement** which we are asking you to sign and return to DRK PHOTO as soon as possible. This Agreement is necessary as DRK PHOTO is initiating a copyright registration program with the United States Copyright Office to officially register many of the images in its collection.

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[info@drkphoto.com](mailto:info@drkphoto.com)  
928-284-9808

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DRK v. Wiley AAA 01116

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Julie

**From:** DRK PHOTO - Dan Krasemann [info@drkphoto.com]  
**Sent:** Friday, June 27, 2008 4:21 PM  
**To:** 'Larry Ulrich'  
**Subject:** Copyright Assignment Form  
**Importance:** High  
**Contacts:** Larry Ulrich  
**Attachments:** Copyright Assignment FINAL 06-21-2008.doc

Dear Larry,

Attached you will find a MS Word.doc titled **Copyright Assignment, Registration, and Accrued Causes of Action Agreement** which we are asking you to sign and return to DRK PHOTO as soon as possible. This Agreement is necessary as DRK PHOTO is initiating a copyright registration program with the United States Copyright Office to officially register many of the images in its collection.

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928-284-9808

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DRK v. Wiley AAA 01119

5/25/2012

Julie

**From:** DRK PHOTO - Dan Krasemann [info@drkphoto.com]  
**Sent:** Friday, June 27, 2008 5:18 PM  
**To:** 'Marty & Annette Cordano'  
**Subject:** Copyright Assignment Form  
**Importance:** High  
**Contacts:** Marty & Annette Cordano  
**Attachments:** Copyright Assignment FINAL 06-21-2008.doc

Dear Marty & Annette,

Attached you will find a MS Word.doc titled **Copyright Assignment, Registration, and Accrued Causes of Action Agreement** which we are asking you to sign and return to DRK PHOTO as soon as possible. This Agreement is necessary as DRK PHOTO is initiating a copyright registration program with the United States Copyright Office to officially register many of the images in its collection.

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 Sedona, AZ 86351 USA  
[info@drkphoto.com](mailto:info@drkphoto.com)  
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DRK v. Wiley AAA 01122

5/25/2012

Julie

**From:** DRK PHOTO - Dan Krasemann [info@drkphoto.com]  
**Sent:** Friday, June 27, 2008 5:16 PM  
**To:** 'Michael Fogden'  
**Subject:** Copyright Assignment Form  
**Importance:** High  
**Contacts:** Michael Fogden  
**Attachments:** Copyright Assignment FINAL 06-21-2008.doc

Dear Michael,

Attached you will find a MS Word.doc titled **Copyright Assignment, Registration, and Accrued Causes of Action Agreement** which we are asking you to sign and return to DRK PHOTO as soon as possible. This Agreement is necessary as DRK PHOTO is initiating a copyright registration program with the United States Copyright Office to officially register many of the images in its collection.

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[info@drkphoto.com](mailto:info@drkphoto.com)  
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DRK v. Wiley AAA 01123

5/25/2012



Julie

**From:** DRK PHOTO - Dan Krasemann [info@drkphoto.com]  
**Sent:** Friday, June 27, 2008 4:33 PM  
**To:** 'Peter French'  
**Subject:** Copyright Assignment Form  
**Importance:** High  
**Contacts:** Peter French  
**Attachments:** Copyright Assignment FINAL 06-21-2008.doc

Dear Peter,

Attached you will find a MS Word.doc titled **Copyright Assignment, Registration, and Accrued Causes of Action Agreement** which we are asking you to sign and return to DRK PHOTO as soon as possible. This Agreement is necessary as DRK PHOTO is initiating a copyright registration program with the United States Copyright Office to officially register many of the images in its collection.

With the digitization of imagery, the added exposure of the internet, and the relative ease of obtaining (and distributing) digital copies of images, most importantly those images appearing on the DRK PHOTO website, we feel that addressing possible copyright infringement is of the utmost importance. With a Certificate of Registration in hand (prior to a copyright infringement) we will be in a much stronger position with much more leverage for settling copyright infringement claims.

Please note that this Agreement is not a permanent assignment; per the Agreement "DRK agrees to reassign all copyrights and complete legal title back to the undersigned immediately upon completion of the registration of the Images, as evidenced by DRK's receipt of a Certificate of Registration from the United States Copyright Office for such Images, and resolution of infringement claims brought by DRK relating to the Images." The Agreement further explains that "Any proceeds obtained by settlement or judgment for said claims shall, after deducting all costs, expenses, and attorney's fees, be divided and paid 50% for the undersigned and 50% for DRK.

We see this as a win / win situation with no cost to you, the photographer. You receive the piece of mind of knowing that many of your images will be registered with the United States Copyright Office, and with this Agreement we receive the authorization necessary to initiate and settle copyright infringement claims brought against would be infringers of DRK PHOTO Images.

**Please complete the Agreement and return via mail to DRK PHOTO, 100 Starlight Way, Sedona, AZ, 86351;** thank you. If you have any questions please feel free to contact me.

**Further,** we would like to hear from you if you have registered (in the past) images with the U.S. Copyright Office; that is, any images now in the DRK PHOTO collection.

We look forward to receiving your signed Agreement, and to hearing from you if you have registered images (now in our collection) in the past.

Sincerely,  
 Dan Krasemann  
 DRK PHOTO  
 100 Starlight Way  
 Sedona, AZ 86351 USA  
[info@drkphoto.com](mailto:info@drkphoto.com)  
 928-284-9808

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DRK v. Wiley AAA 01124

5/25/2012



Julie

**From:** DRK PHOTO - Troy Krasemann [Troy@drkphoto.com]  
**Sent:** Friday, June 27, 2008 10:38 AM  
**To:** 'Stephen Maka'  
**Subject:** Copyright Assignment Form  
**Importance:** High  
**Contacts:** Stephen Maka  
**Attachments:** Copyright Assignment FINAL 06-21-2008.doc

Dear Stephen,

Attached you will find a MS Word.doc titled **Copyright Assignment, Registration, and Accrued Causes of Action Agreement** which we are asking you to sign and return to DRK PHOTO as soon as possible. This Agreement is necessary as DRK PHOTO is initiating a copyright registration program with the United States Copyright Office to officially register many of the images in it's collection.

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**Please complete the Agreement and return via mail to DRK PHOTO, 100 Starlight Way, Sedona, AZ, 86351;** thank you. If you have any questions please feel free to contact me.

**Further,** we would like to hear from you if you have registered (in the past) images with the U.S. Copyright Office; that is, any images now in the DRK PHOTO collection.

We look forward to receiving your signed Agreement, and to hearing from you if you have registered images (now in our collection) in the past.

Sincerely,  
Dan Krasemann  
DRK PHOTO  
100 Starlight Way  
Sedona, AZ 86351 USA  
[info@drkphoto.com](mailto:info@drkphoto.com)  
928-284-9808

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DRK v. Wiley AAA 01125

5/25/2012

**Info@DRK**

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**From:** "DRK Photo" <info@drkphoto.com>  
**To:** "Steve & Barb Krasemann" <wildlife@tbaytel.net>  
**Sent:** Monday, June 23, 2008 3:56 PM  
**Attach:** Copyright Assignment FINAL 06-21-2008.doc  
**Subject:** DRK PHOTO Copyright Assignment Agreement

Dear Steve,

Attached you will find a MS Word.doc titled **Copyright Assignment, Registration, and Accrued Causes of Action Agreement** which we are asking you to sign and return to DRK PHOTO as soon as possible. This Agreement is necessary as DRK PHOTO is initiating a copyright registration program with the United States Copyright Office to officially register many of the images in it's collection.

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[info@drkphoto.com](mailto:info@drkphoto.com)  
928-284-9808

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Julie

**From:** DRK PHOTO - Troy Krasemann [Troy@drkphoto.com]  
**Sent:** Friday, June 27, 2008 10:37 AM  
**To:** 'Steve Kaufman'  
**Subject:** Copyright Assignment Form  
**Importance:** High  
**Contacts:** Steve Kaufman  
**Attachments:** Copyright Assignment FINAL 06-21-2008.doc

Dear Steve,

Attached you will find a MS Word.doc titled **Copyright Assignment, Registration, and Accrued Causes of Action Agreement** which we are asking you to sign and return to DRK PHOTO as soon as possible. This Agreement is necessary as DRK PHOTO is initiating a copyright registration program with the United States Copyright Office to officially register many of the images in it's collection.

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 100 Starlight Way  
 Sedona, AZ 86351 USA  
[info@drkphoto.com](mailto:info@drkphoto.com)  
 928-284-9808

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DRK v. Wiley AAA 01127

5/25/2012

Julie

**From:** DRK PHOTO - Troy Krasemann [Troy@drkphoto.com]  
**Sent:** Friday, June 27, 2008 10:34 AM  
**To:** 'Tom & Pat Leeson'  
**Subject:** Copyright Assignment Form  
**Importance:** High  
**Contacts:** Tom & Pat Leeson  
**Attachments:** Copyright Assignment FINAL 06-21-2008.doc

Dear Tom & Pat,

Attached you will find a MS Word.doc titled **Copyright Assignment, Registration, and Accrued Causes of Action Agreement** which we are asking you to sign and return to DRK PHOTO as soon as possible. This Agreement is necessary as DRK PHOTO is initiating a copyright registration program with the United States Copyright Office to officially register many of the images in it's collection.

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DRK v. Wiley AAA 01128

5/25/2012

Julie

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**From:** DRK PHOTO - Troy Krasemann [Troy@drkphoto.com]  
**Sent:** Friday, June 27, 2008 10:33 AM  
**To:** 'Tom Bean'  
**Subject:** Copyright Assignment Form  
**Importance:** High  
**Contacts:** Tom Bean  
**Attachments:** Copyright Assignment FINAL 06-21-2008.doc

Dear Tom,

Attached you will find a MS Word.doc titled **Copyright Assignment, Registration, and Accrued Causes of Action Agreement** which we are asking you to sign and return to DRK PHOTO as soon as possible. This Agreement is necessary as DRK PHOTO is initiating a copyright registration program with the United States Copyright Office to officially register many of the images in it's collection.

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 928-284-9808

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DRK v. Wiley AAA 01133

5/25/2012



Julie

**From:** DRK PHOTO - Troy Krasemann [Troy@drkphoto.com]  
**Sent:** Friday, June 27, 2008 10:31 AM  
**To:** 'Tom Wiewandt'  
**Subject:** Copyright Assignment Form  
**Importance:** High  
**Contacts:** Tom Wiewandt  
**Attachments:** Copyright Assignment FINAL 06-21-2008.doc

Dear Tom,

Attached you will find a MS Word.doc titled **Copyright Assignment, Registration, and Accrued Causes of Action Agreement** which we are asking you to sign and return to DRK PHOTO as soon as possible. This Agreement is necessary as DRK PHOTO is initiating a copyright registration program with the United States Copyright Office to officially register many of the images in it's collection.

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DRK v. Wiley AAA 01134

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